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3731

Docket No. 4303-4005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jacob Richter et al.

Group Art Unit: 3731

Serial No.: 09/864,389

Examiner: Bui, Vy Q.

Filed: May 25, 2001

For: LONGITUDINALLY FLEXIBLE STENT

EXPRESS MAIL CERTIFICATE

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Date of Deposit: **February 20, 2004**

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I hereby certify that the following attached paper(s) and/or fee

1. Supplemental Information Disclosure Statement
2. Form PTO-1449 – 1 page
3. Copies of all cited references
4. Return postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan Shen-Frattura
(Typed or printed name of person mailing papers(s) and/or fee)

Susan Shen-Frattura
(Signature of person mailing paper(s) and/or fee)

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-1449, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:

2. ☐ For each of the following items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.

3. ☐ Any copy of the items listed on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in application Serial No. _____, filed ___.

4. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

 ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or

☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or

☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or

☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.

5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):

☐ A check in the amount of $180.00 is enclosed in payment of the fee.

☐ Charge the fee to Deposit Account No. 13-4500, Order No. . A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:

a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and

b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.

8. ☐ This Information Disclosure Statement is being filed in compliance with:

a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);

b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).

c. ☐ The fee due under 37 C.F.R. §§1.17(h) is paid as set forth in paragraph 11

below.

9. ☒ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☒ This document is accompanied by ☒ a Search Report ☒ Communication which was cited in a corresponding ☐ PCT and ☒ Foreign counterpart application

11. ☐ A check in the amount of $180.00 is enclosed in payment of the fees due under 37 C.F.R. §§1.17(h) and 1.17(p).

☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4303-4005. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: February 20, 2004

By: _____
Keith J. McWha
Registration No. 44,235

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below.

9. ☒ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

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Dated: February 20, 2004

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FORM PTO-1449

INFORMATION DISCLOSURE CITATION

Attorney Docket: 4303-4005	Serial No.: 09/864,389
Applicant: Jacob Richter et al.	
Filing Date: May 25, 2001	Group Art Unit: 3731

U.S. PATENT DOCUMENTS

Examiner Initial		Patent Number	Issue Date	Name	Class	Sub-Class	Filing Date
/V.B./	1	6,183,353 B1	02/06/2001	Frantzen	451	104	05/24/2000

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FOREIGN PATENT DOCUMENTS

Examiner Initial		Patent Number	Publication Date	Country	Class	Sub-Class	Translation
/V.B./	2	1 020 166 A1	07/19/2000	EP	A 61 F	2/06	☐ Yes ☐ No
	3	199 00 411 A1	07/13/2000	DE	A 61 F	2/04	☒ Yes – Abstract Only
	4	197 53 123 A1	08/05/1999	DE	A 61 F	2/04	☒ Yes Abstract Only
	5	2 758 253 A1	07/17/1998	FR	A 61 F	2/06	☒ Yes Abstract Only
/V.B./	6	0 623 354 A1	11/09/1994	EP	A 61 L	31/100	☐ Yes ☐ No

OTHER DOCUMENTS (Including Author, Title, Date, etc.)

/V.B./		EP Search Report dated October 29, 2003 with Communication dated December 2, 2003.

Examiner	Date Considered
/Vy Bui/ (08/10/2010)	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609.
Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to Applicant.